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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/759,274-Conf. #6856	
	Filing Date	January 20, 2004	
	First Named Inventor	Wen-Ching HOU	
	Art Unit	3711	
	Examiner Name	R. Gordon	
Total Number of Pages in This Submission	4	Attorney Docket Number	3624-0147P

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Reply to Notice of Non-Responsiveness Return Receipt Postcard
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	BIRCH, STEWART, KOLASCH & BIRCH, LLP		
Signature			
Printed name	Joe McKinney Muncy		
Date	January 30, 2006	Reg. No.	32,334



Docket No.: 3624-0147P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Wen-Ching HOU

Application No.: 10/759,274

Confirmation No.: 6856

Filed: January 20, 2004

Art Unit: 3711

For: PUTTER HEAD

Examiner: R. Gordon

REPLY TO NOTICE OF NON-RESPONSIVENESS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Communication issued by the Examiner on December 28, 2005, the following remarks are respectfully submitted in connection with the above-identified application.

An Election of Species Requirement was issued in the above-identified application on September 8, 2005. In response to this requirement, Applicants elected Species B of Fig. 8 for examination on October 11, 2005. In response to this election, the Examiner issued the Communication dated December 28, 2005.

This Communication alleges that the Reply filed on October 11, 2005 was not fully responsive to the prior Office Action. The Examiner states that, "Applicant is not allowed to elect all the claims in the application when a restriction is present." It is noted, however, that the Examiner has not given a Restriction Requirement, but rather given an Election of Species

Requirement. The Examiner should note that the requirement in the September 8, 2005 Office action was based on *drawings* and not *claims*. Also, as clearly stated in the second paragraph of page 2 of the September 8, 2005 Office Action, Applicants were required to elect a single disclosed species. The Examiner additionally noted in this paragraph that claim 1 was generic.

To support her assertion that “Applicant is not allowed to elect all the claims in the application when a restriction is present,” the Examiner cited 37 CFR 1.111. However, 37 CFR 1.111 deals with reply by an applicant or patent owner to a non-final Office Action. Nothing is set forth in this section of the rules about the number of claims which can be elected in a response. Again, the Examiner seems to be confused, as an Election of Species Requirement has been given, but not a Restriction Requirement.

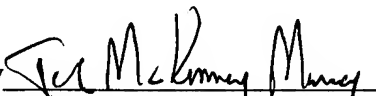
Again, in response to the Election of Species Requirement of September 8, 2005, Species B of Fig. 8 has been elected. Claim 1 is generic to all species, as has been noted by the Examiner, and the remaining claims all read on this species. Thus, all claims have been properly elected. If, for some reason, the Examiner does not consider one of these claims to read on the elected embodiment of Fig. 8, the Examiner can certainly supply reasons for this position. Nonetheless, upon a review of the specification and drawings, it should be clear that the elected embodiment of Fig. 8 does read on all claims.

Accordingly, withdrawal of the December 28, 2005 Communication and an action on the merits are now earnestly solicited. In the event that any outstanding matters remain in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: January 30, 2006

Respectfully submitted,

By 
Joe McKinney Muncy
Registration No.: 32,334
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant